

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

September 20, 2012

8:30 A.M. ROLL CALL

Invocation by Pastor John Crumble of Liberty Outreach Ministries

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of SPCA Pet of the Month – Councilmember Brand - **Presented**

Recognition of Sister Cities Exchange Students from Münster Germany – Mayor's Office - **Recognized**

Proclamation of "NANCY OSBORNE DAY" – Mayor's Office – **Read and presented**

Proclamation of "CHIARI MALFORMATION MONTH" – Council President Olivier – **Read and presented**

Proclamation of "RAIL SAFETY MONTH" – Council President Olivier – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [August 30, 2012](#)

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Reports made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

A. [Actions pertaining to the Children Exposed to Domestic Violence \(CEDV\) Specialized Response Program – Police Department](#)

1. Authorize acceptance of Federal Children's Justice Act Funds for 2012 Cycle Law Enforcement Specialized Unit, Children Exposed to Domestic Violence (CEDV) Specialized Response Team Program Funds

Action Taken: Authorized

2. Authorize the Chief of Police to enter into and execute the Agreement required program documents with the California Emergency Management Agency (CALEMA)

Action Taken: Authorized

3. * Approve the 2nd amendment to the Memorandum of Understanding (MOU) with the Marjaree Mason Center and the County of Fresno for the exposed to Domestic Violence (CEDV) Specialized Response Program

Action Taken: Approved

4. * **RESOLUTION** – 8th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$150,000 for the CEDV Program **(Requires 5 affirmative votes)**

Action Taken: Resolution No. 2012-155 adopted

B. [Approve the Honorable Oliver W. Wanger \(Ret.\) as the Independent Auditor for the Fresno Police Department's annual review of the video policing unit – Police Department](#)

Action Taken: Approved

C. [Actions pertaining to the Selective Traffic Enforcement Program \(STEP\) Grant – Police Department](#)

1. Authorize the Chief of Police to enter into and execute the agreement and required program documents with the Office of Traffic Safety

Action Taken: Authorized

2. * **RESOLUTION** – 10th amendment to the Annual Appropriation Resolution No. 2012-125 appropriating \$250,000 for the Selective Traffic Enforcement Program (STEP) Grant **(Requires 5 affirmative votes)**

Action Taken: Resolution No. 2012-156 adopted

1. CONSENT CALENDAR CONTINUED

- D. Actions pertaining to the sewer replacement in Blackstone Avenue between San Jose and Barstow Avenues (**Property located in District 4**) – Department of Public Utilities
1. Adopt a finding of statutory exemptions, pursuant to Section 15282(k) (the installation of new pipeline or maintenance, repair, restoration, removal or demolition of an existing pipeline as long as the project does not exceed one mile in length) of the California Environmental Quality Act Guidelines for the sewer replacement in Blackstone Avenue between San Jose and Barstow Avenues
Action Taken: Adopted
 2. Award a \$138,777 contract to Emmett's Excavation, Inc. of Clovis, California, for the sewer replacement in Blackstone Avenue between San Jose and Barstow Avenues
Action Taken: Awarded
 3. Authorize the Director of Public Utilities or his designee to sign the contract on behalf of the City
Action Taken: Authorized
- E. Approve the acquisition of a public street easement from a portion of one (1) parcel (APN 458-080-08) of property owned by Carlos Alvarado for the construction of a new street from Hughes/West Diagonal Avenue north of State Route 180 to Marks Avenues and along N. Hughes Avenue for the installation of traffic signals, street lights, sidewalks, curb and gutter, drive approaches, water lines, sewer lines, and storm drain (**Project located in District 3**) – Public Works Department
Action Taken: Approved
- F. **RESOLUTION** - To direct staff to prepare documents necessary to expand the City of Fresno State Enterprise Zone and authorize City Manager or his or her designee to sign and submit expansion documents to the California Department of Housing and Community Development – Development and Resource Management Department
Action Taken: Resolution No. 2012-157 adopted
- G. Approve the acquisition of one (1) public street easement from a portion of one (1) parcel (APN 458-050-03) of property owned by West Roeding Development Group II, for the construction of a new street from Hughes/West Diagonal Avenue north of 180 Freeway to Marks Avenues and along the N. Hughes Avenue for the installation of traffic signals, street lights, sidewalks, curb and gutter, drive approaches, water lines, sewer lines, and storm drain (**Property located in District 3**) – Public Works Department
Action Taken: Approved

CONTESTED CONSENT CALENDAR

9:00 A.M. CITY COUNCIL

- A. Council consideration of the request to initiate and the setting of a date and time for a public hearing to consider renaming the Copper and Friant Park-and-Ride/Trailhead to the "Jon Alsdorf Park-and-Ride/Trailhead" – Councilmember Brand
Action Taken: Approved

GENERAL ADMINISTRATION

- A. Approve contract with Mobility Planners of Grass Valley, CA in the amount of \$249,695 to prepare the Fresno County Public Transportation Gap Analysis and Service Coordination Plan - Transportation Department
Action Taken: Approved

GENERAL ADMINISTRATION CONTINUED

- B. Actions pertaining to the sewer rehabilitation in Shields Avenue (*Property located in District 4 & 7*) – Department of Public Utilities**
1. Adopt a finding of Class 1 and 2 Categorical Exemptions, pursuant to Section 15301(b) (existing facilities) and 15302(c) (replacement or reconstruction) of the California Environmental Quality Act Guidelines for the sewer rehabilitation in Shields Avenue
Action Taken: Adopted
 2. Award a \$646,646 contract to SAK Construction of California, LP of O'Fallon, Missouri, for the sewer rehabilitation in Shields Avenue
Action Taken: Awarded
 3. Authorize the Director of Public Utilities or his designee to sign the contract on behalf of the City
Action Taken: Authorized
- C. Actions pertaining to City of Fresno Public Works Department projects included in the FY2012/13 Measure "C" Regional Transportation Program (*Property located in District 2*) – Public Works Department**
1. * **RESOLUTION** - 9th amendment to the Annual Appropriations Resolution (AAR) No. 2012-125 to appropriate \$27,240,600 in State and local funding for project costs on Public Works Department Capital Improvement Projects in Fiscal Year 2013 (***Requires 5 affirmative votes***)
Action Taken: Resolution No. 2012-158 adopted
 2. Approve an agreement with Provost & Pritchard Consulting Group, Inc., in the amount of \$68,755, with a contingency amount of \$5,000 for the design of plans and general construction contract documents for the widening of eastbound Herndon Avenue from Blythe Avenue to Brawley Avenue
Action Taken: Approved
 3. Authorize the Public Works Director or his designee to execute the agreement on behalf of the City
Action Taken: Authorized
- D. Status of Animal Control Services – City Manager's Office**
Action Taken: Continued to 9/27/2012 at 1:30 p.m.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)**
Subdivision (a)
1. **Case Name:** City of Fresno v. Nue Che Lee
 2. **Case Name:** City of Fresno v. Yesnia Tinoco Lopez
Action Taken: Held
- B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)**
1. **Case Name:** Leonard Myles v. Toni Burriel; City of Fresno Administered By American All Risk Loss Administrators (Plaintiff in Intervention)
Action Taken: Held

SPECIAL NOTICE – CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8

Property: APN 327-03-024t

Negotiating Parties: City Manager Mark Scott and Asst City Manager, Bruce Rudd

Under Negotiation: Potential lease agreement with Liberty Animal Control Services, LLC. and

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

1:00 P.M. **HEARING** relating to ordering the vacation of Sacramento Street northeast of the Fulton-Van Ness alley (*Property located in District 3*) – Public Works Department

Action Taken: Held

- a. Adopt a Finding of Categorical Exemption per staff determination, pursuant to Sections 15301 (Class 1/Existing Facilities), 15302 (Class 2/Replacement or Reconstruction), 15303 (Class 3/New Construction or Conversion of Small Structures), 15311 (Class 11/Accessory Structures), and 15332 (Class 32/In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-12-010

Action Taken: Adopted

- b. * **RESOLUTION** - Ordering the vacation of Sacramento Street northeast of the Fulton-Van Ness alley

Action Taken: Resolution No. 2012-159 adopted

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

1. Appearance by Jonathan Duncan to request November be proclaimed “Movember” to generate awareness about men’s health in Fresno – **Appearance made**
2. Appearance by Arthur Montejano and Sean Keirnan, Coordinators from Associated Students, Inc. California State University, Fresno, to thank District 4 for the support in community revitalization efforts – **Appearance made**

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk’s Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Sept.	27 -	10:00 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 46 (Final Tract Map No. 5597)(<i>Property located in District 1</i>) (Northeast corner of N. Garfield and W. Barstow Avenues)
Sept.	27 -	10:15 A.M.	Hearing to consider adoption of resolutions related to the designation of the C. Jarman Home located at 385 N. San Pablo Avenue, the J.R. Turner Residence located at 815 E. Dudley Avenue, the Pilibos Building located at 830 Van Ness Avenue and the Newman J. Levinson Home located on APN: 466-193-10 to the Local Register of Historic Resources
Oct.	3 (WEDS)	2:00 P.M.	Presentation of Employee Service Awards (<i>to be held in the Council Chambers</i>) (<i>Reception immediately following – 2nd floor foyer</i>)
Oct.	4 –	8:30 A.M.	MEETING
Oct.	11 –	NO MEETING – COLUMBUS DAY	
Oct.	18 -	1:00 P.M.	HEARING to consider the formation of Underground Utility District No. FRE-92 along the north side of Nees Avenue from less than one-quarter mile west of Willow Avenue to Willow Avenue (<i>Property located in Council District 6</i>)
Oct.	25–	8:30 A.M.	MEETING

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AND MAY BE AMENDED AT ANYTIME

Nov. 1– 8:30 A.M. MEETING

Nov. 8 - 10:00 A.M. HEARING to annex Final Tract Map No. 5447 and Final Tract Map No. 5815, Annexation No. 47, to City of Fresno Community Facilities District No. 11